

IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF VIRGINIA  
Alexandria Division

UNITED STATES OF AMERICA

v.

MAKSIM BEREZAN,

Defendant.

No. 1:20-cr-145

The Honorable T. S. Ellis, III

**NON-CONFIDENTIAL MEMORANDUM IN SUPPORT OF GOVERNMENT'S MOTION  
TO SEAL**

The United States of America, through undersigned counsel, and pursuant to Local Criminal Rule 49 of the United States District Court for the Eastern District of Virginia, respectfully requests that the Court seal the documents that are the subject of this motion to seal. In support of its request, the government states as follows:

1. The Court has the inherent power to seal materials submitted to it. See United States v. Wuagneau, 683 F.2d 1343, 1351 (11th Cir. 1982); State of Arizona v. Maypenny, 672 F.2d 761, 765 (9th Cir. 1982); Times Mirror Company v. United States, 873 F.2d 1210 (9th Cir. 1989); see also Shea v. Gabriel, 520 F.2d 879 (1st Cir. 1975); United States v. Hubbard, 650 F.2d 293 (D.C. Cir. 1980); In re Braughton, 520 F.2d 765, 766 (9th Cir. 1975). “The trial court has supervisory power over its own records and may, in its discretion, seal documents if the public’s right of access is outweighed by competing interests.” In re Knight Pub. Co., 743 F.2d 231, 235 (4th Cir. 1984). Sealing of a document is appropriate where there is a substantial probability that the release of the sealed document would compromise the government’s on-going investigation severely. See e.g. In re Search Warrant for Secretarial Area Outside Office of Gunn, 855 F.2d 569, 574 (8th Cir. 1988);

Matter of Eye Care Physicians of America, 100 F.3d 514, 518 (7th Cir. 1996); Matter of Flower Aviation of Kansas, Inc., 789 F.Supp. 366 (D. Kan. 1992).

2. Sealing is necessary because premature disclosure of the information described above would jeopardize an ongoing criminal investigation, place witnesses or agents in jeopardy, or lead to the destruction of evidence. The government has considered procedures other than sealing and none will suffice to protect this information from disclosure.

3. The materials to be filed under seal would need to remain sealed until further order of the Court. The United States has considered alternatives less drastic than sealing and has found none that would suffice to protect this information.

4. A proposed Order is attached.

WHEREFORE, the United States respectfully requests that the accompanying documents be sealed until further Order of the Court.

Respectfully Submitted,

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Acting United States Attorney

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## CERTIFICATE OF SERVICE

I hereby certify that on March 25, 2021, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will send a notification of such filing (“NEF”) to counsel of record in this case. I also provided an electronic copy to all counsel of record by means of electronic mail.

Respectfully Submitted,

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